

## PRECEDENTS relating to the establishing of Foreign Trade, and repealing Monopolies.

**A**S Precedents in all Cases are the best Guide, when by long Experience they have appear'd to have been founded on the justest Judgment; and as those Precedents for destroying Monopolies, and laying open our foreign Trades to all Subjects of *England* in Times past, have very much contributed to the Grandeur of this Nation; so they may serve as a Guide in the present Settlement of the *African* Trade, (which hath already been begun to be laid open with very great Success 13 Years past, by Act of Parliament) especially the Articles on which the *Turkey* Company was establish'd in 1605. which are annexed to the following Act made in King *James* the First's Time, for laying open our Trade to *Spain*, *Portugal* and *France*.

Anno 3. Jacobi Regis. Chap. Vith.

*An Act to enable all his Majesty's Loving Subjects of England and Wales, to Trade freely into the Dominions of Spain, Portugal, and France.*

**W**HEREAS divers Merchants have of late obtain'd from the King's Most Excellent Majesty, under the Great Seal of *England*, a large Charter of Incorporation for them and their Company to trade into the Dominions of *Spain* and *Portugal*, and are also most earnest Suitors to obtain the like from his said Majesty for *France*, whereby none but themselves, or such as they shall think fit, as being meer Merchants, shall take Benefit of the said Charter; disabling thereby all others his Majesty's Loving Subjects of this Realm of *England* and *Wales*, who during and at all Times of his late Majesty's Wars, were in divers Respects greatly charg'd for the Defence of their Prince and Country, and therefore ought indifferently to enjoy all the Benefits of this most happy Prince. (2.) And also debarring them from the free Enlargement of common Traffick into those Dominions, which others His Majesty's Subjects of his Realms of *Scotland* and *Ireland*, do enjoy, (3.) to the manifest Impoverishing of all Owners of Ships, Masters, Mariners, Fishermen, Clothiers, Tuckers, Spinners, and many Thousands of all Sorts of Handicraftsmen, besides the Decrease of His Majesty's Customs, Subsidies, and other Impositions, and the Ruin and Decay of Navigation, together with the abating of the Prices of our Wools, Cloth, Corn, and such like Commodities, arising and growing within this His said Majesty's Realm of *England*, and the inhancing of all the *French* and *Spanish* Commodities, by Reason of the Insufficiency of the Merchants, they being few in Number, and not of Ability to keep the great Number of our Ships and Sea-faring Men at Work, and to vent the great Store of Commodities which this His Majesty's Dominion of *England* doth yield, (4.) and by Means that all Owners and Mariners, with divers others, (if these Incorporations should continue) shall be cut off from their ordinary Means of Maintenance, and preserving their Estates; and finally by reason that all *French* and *Spanish* Commodities shall be in a few Men's Hands: (5.) In Respect whereof, as also for many other manifold Inconveniencies growing thereby, much Hurt and Prejudice must needs redound to all his Majesty's Loving Subjects of this his Highness's Realm of *England*, if Reformation for the Prevention of so growing an Evil be not had in due Time. (6.) For Remedy whereof, BE IT ENACTED, by the King's Most Excellent Majesty, the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That it shall and may be Lawful to and for all His Majesty's Subjects of this his Highness's Realm of *England* and *Wales*, from henceforth at all Times to have Freedom to Trade into and from the Dominions of *Spain*, *Portugal* and *France*, in such Sort, and free Manner, as was at any Time accustomed, sithence the Beginning of this His Highness's most happy Reign in this his Realm of *England*, and at any Time before the said Charter of Incorporation was granted, paying to the King's most Excellent Majesty, his Heirs and Successors, all such Customs and other Duties as by the Laws and Statutes of this Realm ought to be paid and done for the same: The said Charter of Incorporation, or any other Charter, Grant, Act, or any thing else heretofore made or done, or hereafter to be done to the contrary in any wise notwithstanding.

By the above, it appears that the *Spanish* and *Portugal* Trades, and the Exportation of our Woollen Goods to, and Importation of Silver from thence, was confin'd to a Monopoly only, as is now design'd by the *African* Trade, in Respect to one whole Quarter of the World, that the Company may be the sole Exporter of Woollen Goods thither, and the sole Importer of Gold from thence: Yet those Trades were not lost by being laid open, but are greatly increased; and on the other Hand, the only Trade made exclusive since that Time, the *Green-land* Trade, hath been entirely lost by being made Exclusive, as appears underneath, viz.

Anno Primo, Anna Reginae, Cap. 16.

**W**HEREAS by an Act, &c. for encouraging the *Green-land* Fishery, a Company was incorporated exclusive to the rest of her Majesty's Subjects, &c. N.

Notwithstanding which the said Company have of late wholly neglected and lost that Trade to this Nation; and therefore for the enlarging and encouraging the *Green-land* Trade, and for the better Improvement of the same for the Good of *England*, it shall be lawful for any of Her Majesty's Subjects whatever, that shall adventure to *Green-land* for fishing Whales, to have and enjoy all the Privileges that were granted to the said Company by the aforesaid Act.

But



But if there was no other Reasons against an Exclusive *African* Company, 'tis to be thought the Breach of the two following Articles of Union with *Scotland*, should be Cause sufficient to prevent it.

Anno Quinto Annæ Reginae.

*An Act for an UNION of the Two Kingdoms of England and Scotland.*

Art. IV. " That all the Subjects of the United Kingdom of *Great-Britain*, shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation to and from any Port or Place within the said United Kingdom, and the Dominions and Plantations thereunto belonging; and that there be a Communication of all other Rights, Privileges and Advantages, which do or may belong to the Subjects of either Kingdom, except where it is otherwise expressly agreed in these Articles.

Art. XXI. " That the Rights and Privileges of the Royal Burghs in *Scotland*, as they now are, do remain entire after the Union, and notwithstanding thereof.

*The Fundamental Articles on which the Turkey Company was founded by King James, Anno 1605.*

The Preamble sets forth,

WHEREAS the Charter granted by Queen *Elizabeth* was determined, and the Trade remained without Government.

And whereas 'twas not fit to limit the said Trade to any Number of Merchants, nor to any City, Town or Place in the King's Dominions, or be used in any Degree of a Monopoly, but shall be laid open to all that use the Trade of Merchandize; therefore, &c.

- I. That the said Merchants be incorporated by the Name of, *The Governour and Company of Merchants of England trading to the Levant Seas.*
- II. May purchase or dispose, sue or be sued, in the Name of the Governour and Company, &c.
- III. May have a Common Seal, and use, alter, break and renew the same.
- IV. To allow the old Company 8000 *l.* out of Consulage, and to have the said Company's Houses in Consideration thereof.
- V. Their Charges to be defray'd by Permission-Money and Duties.
- VI. May make Laws for the good Government of themselves and others trading to the *Levant Seas*, and also execute and revoke the same.
- VII. May imprison and fine Offenders and Breakers of their Laws.
- VIII. Their Acts, Laws and Orders, &c. for Penalties not to be contrary to the Laws and Statutes of this Realm, or to any Treaty or League with any Potentate, nor tending to the Hindrance of the Trade or Traffick of any of the Company, behaving themselves duly without any disorderly Attempt or Practice.
- IX. May make reasonable Assessments upon Goods imported and exported, or Ships, for the common Profit of the necessary Charges and Stipends.
- X. May appoint Officers to levy them, and collect the Fine.
- XI. May administer an Oath for making true Entries.
- XII. May send home Offenders.

As it appears by the above, That the Case of the *Turkey* Merchants was formerly exactly the same as the present Case of the Merchants trading to *Africa* is now, and the Interest of the Nation in both Cases alike; so 'tis humbly presum'd the said Precedent will be a sufficient Guide for establishing the Trade to *Africa*, with some few Additions and Alterations.

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